

WO

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Agustin Sicairos-Acosta,	)	
	)	
	)	
Petitioner,	)	
	)	
vs.	)	JUDGMENT IN A CIVIL CASE
	)	
United States of America,	)	Case No. CV-05-00612-TUC-FRZ
	)	CR-04-00493-TUC-FRZ
Respondent.	)	
_____	)	

X **DECISION BY COURT.** This action came under consideration before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED** that Petitioner's October 11, 2005 "Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (28 U.S.C. § 2255)" (U.S.D.C. document #53 in CR-04-493-TUC-FRZ) and this action (CV-05-612-TUC-FRZ) are **DISMISSED WITHOUT PREJUDICE** to allow Petitioner to seek certification from the Ninth Circuit Court of Appeals to file a second or successive petition.

October 31, 2005  
Date

RICHARD H. WEARE  
CLERK

S/ M. Michelle Mejia  
M. Michelle Mejia  
Deputy Clerk

Copies to:  
J/B, FRZ, Sicairos-Acosta,